

CASE NO.: ARC920010090US1  
Serial No.: 10/042,652  
March 31, 2008  
Page 8

RECEIVED  
CENTRAL FAX CENTER  
PATENT  
Filed: January 8, 2002  
MAR 31 2008

Remarks

The Board reversed all rejections except for the obviousness rejections based on Richard. Claims 17-22 had been rejected solely based on obviousness-type double patenting, which rejections were overcome by a terminal disclaimer filed previously. Accordingly, Claim 17 has been rewritten in independent form to incorporate its base claim and all intermediate claims, and the dependency of various claims has been changed accordingly.

Applicant notes that the Board's Section 101 rejection of Claim 1 has been overcome in the amendment of Claim 17, which now specifies that the method is computer-implemented. On the bottom of page 11 of the Decision the Board appeared to base the rejection on the observation that claim 1 could have encompassed a human's thinking, a basis that amended Claim 17 eliminates. Accordingly, Claims 3, 7, 8, 12, 13, and 15-22 are ripe for allowance.

The Board predicated its indefiniteness rejections of Claims 41-46 on pages 9 and 10 of the Decision on these claims' former invocation of Section 112, sixth paragraph, stating that the Board was unable to find equivalent structure in the specification. Applicant does not agree, see, e.g., page 10, lines 12-14 of the present specification ("[i]t is to be understood that the logic shown and discussed below, which may be executed by a processor as a series of computer-executable instructions, is executed by processors associated with one or more of the components 12, 14, 16"), plainly indicating that the structure corresponding to the formerly claimed "means" was one or more processors programmed with logic shown in the flow charts. However, to promote prosecution, Claims 41-46 have been broadened to remove them from the strictures of the sixth paragraph of Section 112, rendering all pending claims patentable on the basis of the Board's Decision.

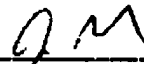
1053-130AM1

CASE NO.: ARC920010090US1  
Serial No.: 10/042,652  
March 31, 2008  
Page 9

PATENT  
Filed: January 8, 2002

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

  
\_\_\_\_\_  
John L. Rogitz  
Registration No. 33,549  
Attorney of Record  
750 B Street, Suite 3120  
San Diego, CA 92101  
Telephone: (619) 338-8075

JLR:jg

0053-130.AM1